

**TOWN OF SAN ANSELMO  
RESOLUTION NO. 3223**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
APPROVING AN AMENDMENT TO A PRECISE DEVELOPMENT PERMIT (PP-  
9) AND DESIGN REVIEW (AR-7) TO ALLOW INSTALLATION OF A PRIVATE  
WATER SYSTEM FOR PROPERTY AT 80 SOUTH OAK (A/P 7-241-50)**

**WHEREAS**, the Planning Commission of the Town of San Anselmo considered a request to amend existing conditions to a previously approved Precise Development Plan and Design Review for property at 80 South Oak to allow a private water system at 80 South Oak; and

**WHEREAS**, the Planning Commission held a public hearing on November 16, 1992 for this application and examined pertinent information and documents, and considered the recommendation of the Town of San Anselmo staff and members of the public; and

**WHEREAS**, an appeal of the Planning Commission's action was received by the applicant, Robert Yeakey, who raised concerns about predicating the approval upon the adoption of a water well ordinance and about permit expiration dates; and

**WHEREAS**, the Town Council held a public hearing on this appeal on February 9, 1993, February 23, 1993, and March 9, 1993; and

**WHEREAS**, the Town Council received input from the Planning Commission, Town of San Anselmo staff, and testimony from members of the public.

**WHEREAS**, the Town Council approved an amendment to the Precise Development Plan and Design Review referred to above subject to the following conditions:

1.a. The intent of this condition is to provide a temporary alternative to upgrading the public water supply system for property at 80 South Oak Avenue.

This condition shall temporarily supersede Conditions No. 1, 2, and 5 of the document entitled "Conditions on Development of A/P 7-241-50, 80 South Oak Avenue, Robert M. Yeakey, et. al. Owners" by allowing the owner to file for a permit to install a private water system. In the event the owner is unable to comply with all of the following provisions, Conditions 1, 2, and 5 shall remain in effect.

Construction with flammable materials shall not take place until the interim fire protection water supply system described in Condition No. 4 or the upgrades to the public water supply system described in Condition No. 1 is in place and fully functional. A private system shall be in place and fully functional prior to the issuance of the Certificate of Occupancy.

For potable water supply the owner shall first submit an application to, and receive a permit from, the Town's Public Works Department. Thereafter, the owner shall submit an application to, and receive a permit from, the County of Marin. Such permit from the Town shall be subject to the following:

1. The owner shall agree to connect to Marin Municipal Water District (MMWD) as soon as water supplied by MMWD is available. Availability of water shall be based on physical or policy constraints as determined by the Director of Public Works.
2. Prior to issuance of a well permit, the owner must apply to MMWD for new water service connection and must take all steps necessary to secure connection as soon as possible. To guarantee such future connection, owner shall, prior to issuance of any occupancy permit or final inspection approval, deposit with the Town an amount calculated to be the per unit connection charge for each new connection (meter) that will be imposed by MMWD upon eventual connection. Except as provided below, this deposit shall be refunded pro rata to the then owners of the properties, with interest earned (minus administration costs) upon satisfactory connection to MMWD. In the event connection to the MMWD potable water system is not available within 3 years of the water well approval, the Public Works Director shall review the connection fee deposit and consider a refund. In the event owner ceases to pursue all steps necessary for eventual connection, or fails to connect to MMWD upon the approval of a new service connection, the Town shall be entitled to seek a court injunction mandating connection, and shall apply the deposit towards all fees and costs incurred in bringing such action, and shall be entitled to recover all additional costs not satisfied by the deposit from owner. The owner shall be liable for all fees and costs incurred by the Town once enforcement has begun, even though he or she subsequently agrees to make the connection.
3. The owner shall agree to install all connecting pipes and appurtenances for MMWD water before a certificate of occupancy is issued as reasonably determined by the Director of Public Works.
4. The owner shall agree that the source yield for the potable water system for this one residence shall be those required for two residences.
5. The owner shall agree that one well shall serve no more than one lot.
6. Hold tanks, pressure tanks (except those less than 60" high and 36" wide) and above ground pumps shall be considered structures within zoning regulations of the Town of San Anselmo. Tanks which are completely buried and which are partially buried with the top not more than 3 feet above existing grade shall not be considered structures.
7. All holding tanks, pressure tanks and pumps shall be adequately screened to reduce their visual impact.
8. All pressure tanks and pumps shall be adequately insulated to reduce their noise levels.
9. The owner shall agree in writing to indemnify and hold harmless the Town, its employees, assigns and successors-in-interest from any and all claims,

responsibility, liability or obligations whatsoever including, but not limited to, the failure to provide adequate yield or meet established water quality standards arising out of the Town's issuance of a well permit for the operation of a well upon any property located within the Town. Such agreement shall be recorded.

10. All well sources shall have **minimum setbacks** as specified below:

From property line:	5 feet.
From public or private sewer pipeline of approved watertight piping and joining materials:	25 feet.
From other public or private sewer pipeline:	50 feet.
From subsurface disposal field:	100 feet.
From septic tank or other subsurface storage tanks (except water tanks):	100 feet.
From animal and fowl enclosure:	100 feet.

A well may be installed closer than the minimum distances prescribed above if the Director of Public Works or the Health Officer finds that strict compliance is impractical because of unusual conditions and if it is determined that special standards may be applied to the well construction so that no danger of contamination or pollution to the ground water will result. Such special standards of construction shall be approved by the Health Officer or the Director of Public Works and additional inspections may be required to assure compliance with such special standards.

11. All tank and pump installation shall comply with the Uniform Building Code, Uniform Plumbing Code and National Electric Code.

**NOW, THEREFORE**, the Town Council of the Town of San Anselmo **DOES HEREBY FIND** as follows:

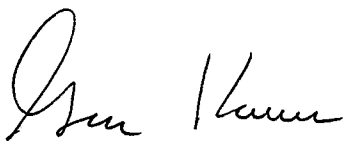
1. That the above conditions are necessary to protect the health, safety, and general welfare by ensuring that the ground water will not be polluted or contaminated.
2. That the above conditions are necessary to ensure that people will not be placed in jeopardy from possible overdrafting or an unreliable water source.
3. That the amendment to the Precise Development Plan and Design Review are in conformance with the San Anselmo General Plan with specific reference to Policies 12.2 and 13.2 which allow an alternative to the public water system.

**PASSED AND ADOPTED** by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on March 9, 1993, by the following vote:

AYES: Breen, Chignell, Kanis, Yarish, Zaharoff

NOES: none

ABSENT: none

  
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Gus Kanis, Mayor

ATTEST:

  
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Caroline Foster, Town Clerk